

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SEAN TYLER,)	
)	Case No. 23-CV-04803
<i>Plaintiff,</i>)	
)	
v.)	
)	
CITY OF CHICAGO, et al.)	
)	Honorable Judge Thomas M. Durkin
<i>Defendants.</i>)	
)	

PLAINTIFF’S UNOPPOSED MOTION TO NAME THE PROPER PARTY

Now Comes Plaintiff, Sean Tyler, by and through his attorneys, and moves as follows:

1. On July 25, 2023, Plaintiff Sean Tyler, filed a Complaint. Doc. 1. That Complaint was subsequently amended. Doc. 41.
2. In that Complaint, Plaintiff named as a Defendant the “Personal Representative of the Estate of William Foley.” Doc. 1, 41.
3. William Foley died before the Complaint was filed, but the claims against him survive his death. *See, e.g., Anderson v. Romero*, 42 F.3d 1121, 1123 (7th Cir. 1994) (§ 1983 suits survive a party’s death); *Bennett v. Tucker*, 827 F.2d 63, 68 (7th Cir. 1987); *Hicks v. Young*, No. 10 C 3874, 2012 WL 1755735, at *1-2 (N.D. Ill. May 15, 2012).
4. Plaintiff and Defendants have been working to try to resolve whether the personal representative of Foley’s estate should be an independent administrator or special representative.
5. On that score, Defendants informed the Plaintiff that Mr. Foley’s estate was re-opened in 2018 in connection with two other lawsuits in this district, *Fulton v. City of Chicago, et al.*, No. 17 CV 8696, and *Coleman v. Boudreau, et al.*, No. 18 CV 998. The Defendants sought to close that estate and proceed by way of a special representative.

6. Yesterday, the Defendants informed Plaintiff of the fact that they were unable to close the estate in probate court. As such, the parties must proceed against the Estate of Mr. Foley by way of an independent administrator.

7. Plaintiff served Geri Yanow, as the Independent Administrator of the Estate of William Foley.

8. Because the proper party has now been served, the Plaintiff is seeking to change the name on the caption to reflect that proper party—Geri Yanow, as the Independent Administrator of the Estate of William Foley.

9. Federal Rule of Civil Procedure 21 allows the Court to add or drop a party “[o]n motion or on its own” on just terms, including to add a proper defendant. *See Brown v. Chicago Mun. Employees Credit Union*, No. 13 C 2597, 2014 WL 1613037, at *4 (N.D. Ill. Apr. 16, 2014); *Neville v. Value City Dep’t Stores, Inc.*, No. 07-CV-53-DRH, 2008 WL 2745932, at *2 (S.D. Ill. July 11, 2008).

10. Here, there is no dispute that the Independent Administrator should be added as a party. Indeed, the Defendants have asked Plaintiff to file the instant motion.

WHEREFORE, Plaintiff, Sean Tyler, respectfully requests that this Court permit him to add “Geri Yanow, as the Independent Administrator of the Estate of William Foley” to the Complaint and remove the “Personal Representative of the Estate of William Foley” from the Complaint.

Respectfully submitted,

SEAN TYLER

/s/ Gayle Horn

Jon Loevy
Gayle Horn

Heather Lewis Donnell
Elliot Slosar
LOEVY & LOEVY
311 N. Aberdeen Floor 3/4
Chicago, IL 60607
(312) 243-5900
Attorneys for Plaintiff